

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

## VOLVO CONSTRUCTION EQUIPMENT RENTS, INC.,

2:09-CV-32 JCM (LRL)

Plaintiff,

V.

NRL RENTALS, LLC, et al.,

## Defendants.

## ORDER

Presently before the court is plaintiff Volvo Construction Equipment Rents, Inc.’s motion for enlargement of time to respond to defendant Jefferson Bank’s “motion to re-urge” the motion to dismiss. (Doc. #394).

On January 5, 2011, this court granted plaintiff's motion for the district judge to reconsider the order on the motion to dismiss. (Doc. #391). At that time, the court vacated the December 2, 2010, order (doc. #372), insofar as it granted defendant Jefferson Bank's motion to dismiss, and provided an opportunity for the plaintiff to respond to the substance of the motion.

The plaintiff thereafter filed a response, requesting that it be given leave to amend its pleading (doc. #374), but again failing to respond to the substance of defendant's motion. Accordingly, defendant Jefferson Bank filed a motion re-urging its motion to dismiss. (Doc. #394). Plaintiff did not file a response to that motion within the deadline set by the court.

The court has since denied plaintiff's motion to amend its complaint (doc. #374) for failure to comply with Local Rule 15-1(a), which requires that a moving party attach a proposed amended

1 complaint to a motion to amend. The court also granted defendant's motion re-urging the motion to  
2 dismiss (doc. #394), because plaintiff has continually failed to respond to the substance of the motion  
3 within the deadlines set by the court. The court agrees with Jefferson Bank's contention that, despite  
4 having had in excess of four months to file a substantive response, the plaintiff has continually failed  
5 to provide any additional information or argument to the court as to how the facts alleged in the  
6 complaint state a plausible claim for relief. Accordingly, the court sees no reason to again delay the  
7 proceedings and provide the plaintiff with yet another extension of time.

8 || Accordingly,

9 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff's motion for  
10 enlargement of time (doc. #394) is DENIED as moot.

11 DATED this 4th day of February, 2011.

John C. Mahan  
**UNITED STATES DISTRICT JUDGE**